

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 12:25 PM
To: CPCtestimony
Cc: kalelekai002@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Takumi	CAI Legislative Action Committee	Oppose	No

Comments: I had forgotten to mention that owners who wish to run for the board have the right under state statutes to solicit proxies to garner enough voting power to elect themselves. That's a true democratic process to be able to convince their neighbors to give them their proxies. Obviously if they cannot convince their neighbors to give them their proxies, they are not supported by enough owners to get elected. The owners should have the right to elect anyone they chose and not be restricted by term limits.

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February 4, 2015

VIA WEB TRANSMITTAL

Committee on Consumer Protection & Commerce
Senate, the 28th Legislature
Regular Session of 2015

Re: Testimony against HB 670

Dear Chair McKelvey, Vice Chair Woodson, and Committee Members

I am the Secretary of the Community Associations Institute (CAI) Legislative Action Committee (LAC). CAI LAC opposes HB 670 for the following reasons:

First, we agree with the intent of allowing other owners the opportunity to serve their community. However, this bill restricts all owners the right to elect their own leaders. I have worked with many dedicated and talented volunteer board members and losing their expertise due to term limits will be a disservice to their communities. We could have situations where a valued board member cannot serve due to term limits and is replaced by a disgruntled and disruptive homeowner that other homeowners do not want to be on the board. That will not be good for the association.

Also, it's unclear on when or if the director who serves the two consecutive terms can be elected or appointed to the board again. If a board member resigns after a month after the annual meeting, can the board appoint the old director to the board? This needs clarification.

CAI represents the community associations and opposes HB 670.

Sincerely yours,

Alan Takumi, CMCA[®], AMS[®], ARM[®], PCAM[®], CPO[®]

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 1:14 PM
To: CPCtestimony
Cc: richard@hawaiifirst.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/4/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Emery	Associa	Oppose	Yes

Comments: Associa manages more than 600 associations through Associa Hawaii and Hawaii First. Associations typically have a difficult time getting owner volunteers to serve as a director. It is simply the owners right to elect a director that they choose and not be forced to accept a director who becomes elected because the candidate they want has been arbitrarily disqualified. Associations are like corporations where directors are elected at an annual meeting by those present in person or be proxy. This is not new.

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woodson2-Rachel

From: John Brewer <johnb@hawaiianprop.com>
Sent: Thursday, February 05, 2015 11:11 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.
Attachments: HB670_.pdf

Aloha,

I strongly oppose placing term limits.

The most basic right, and duty, of the owners in a condominium association is to elect the Board of Directors.

In my opinion:

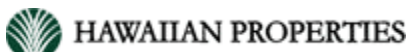
- 1) This bill takes away and limits the owners' rights.
- 2) This bill may 'force place' unqualified people on the Board.

If the owners want to elect the same owners to the Board to conduct the affairs of their association, that is their right.

Sincerely,

John Brewer, CMCA®, AMS®
Property Manager

Phone: 808-539-9722
Fax: 808-521-2714
E-mail: johnb@hawaiianprop.com
Front Desk: 539-9777



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From: Susan Gregg <susang@hmcmt.com>
Sent: Thursday, February 05, 2015 11:17 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

To Our Representatives:

I wish to state my opposition to the above proposed legislation. While I understand the theory of the language, it does not match with the reality of electing board members in Hawaii.

I have been a community association manager for almost twenty years in Hawaii. I have managed many condominiums and homeowners associations that struggle to fill any seats and sometimes have vacant positions due to lack of interest. This bill, if passed, would put many associations operations in jeopardy, with a lack of association elected officials to make decisions and approve funding for operations.

The reality is that many of the currently serving board members would LOVE to see a rotation of leadership in their communities, but due to lack of interest remain on the board as a SERVICE to the owners and community hoping other owners will step up and volunteer their time.

Thank-you for taking my comments into consideration.

Susan Gregg, CMCA, PCAM | Director, Hawaii Island Operations Hawaiiana Management Company, Ltd.
Palani Court, Suite 215
74-5620 Palani Road | Kailua-Kona, HI 96740
PH: 808.930.3218 x 851 | FAX: 808.331.1743 www.hmcmt.com | susang@hmcmt.com

woodson2-Rachel

From: Geri Cardoza <geri@pacifica-hawaii.com>
Sent: Thursday, February 05, 2015 4:48 PM
To: CPCtestimony
Cc: 'Steve Glanstein'
Subject: HB 670

Passing HB 670 would cause a terrible hardship on many of my Associations. I strongly oppose HB 670

Geri Cardoza, S, CMCA
Pacifica Realty Management, Inc.
75-1029 Henry Street, #202
Kailua Kona, HI 96740
808-327-5306

From: Keven Whalen <Keven@TouchstoneProperties-Hawaii.com>
Sent: Thursday, February 05, 2015 11:54 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

I am opposed to HB670. I manage several community associations and a bill such as this will create much problems. Most condominiums or homeowner associations do not have many willing volunteers. Most of my board members are long term board members simply because no one else is willing to serve. If they have term limits, this will definitely create vacancies, likely resulting in a lack of quorum and an inability to conduct business.

Keven Whalen (RA), CMCA®, AMS®, PCAM®
Touchstone Properties, Ltd., AAMC®
680 Iwilei Road, Suite 550
Honolulu, HI 96817
Phone: (808) 566-4100
Fax: (808) 566-4110
www.TouchstoneProperties-Hawaii.com

From: Scott I. Batterman <sib@paclawteam.com>
Sent: Thursday, February 05, 2015 11:42 AM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

I am the President of the Association of Apartment Owners of 909 Kapiolani. I am an original owner, and have been on the Board since the creation of the 909 Kapiolani AOA in 2008.

I am also an attorney, admitted to practice in New York in 1981 and in Hawaii since 1989. Part of my practice includes the representation of condominium associations and condominium owners.

I am writing in opposition to the proposed legislation which would place term limits on Board members.

There does not appear to be any need for such legislation. Service on a Board conveys no remuneration of any kind, and I have not heard any clamor for such a change in the law in my practice.

As a practical matter, it would seem unnecessary: If an Association is unhappy with a Board member, there are numerous ways to remove one, at the annual meeting, in a special meeting, or by peer pressure. In my experience, I have seen such turnover achieved at numerous condominiums.

In addition, since most condominium terms are for 3 years, this would "limit" terms to six years, and few Board members ever even serve that long, either due to the pressure of being on the Board or because he or she sells his or her unit. As an example, at the next meeting of 909 Kapiolani, six of the nine seats will be up for election, because of owners selling their units and leaving the Board. I am in fact the only member of the 909 Kapiolani Board still serving since the original Board was chosen.

In addition to there being no need for this legislation, there is much that is harmful about this proposal. The most basic is the loss of someone who may be very knowledgeable about condominiums and the issues concerning the particular condominium. The person forced to leave the Board may have special skills or knowledge, such as accounting, law or construction, that is valuable to the condominium. These directors bring institutional memory and a steady hand to the association's business. Their experience saves money for the membership.

Typically, in my experience, only a few Board members do most of the work; the loss of even one of these persons may have a significant negative effect on the condominium, especially if they are replaced by someone lacking experience in any area needed by the condominium, or who is not familiar with the Declaration, By-Laws and House Rules. This can be even more devastating in a smaller condominium, where special knowledge or expertise is particularly valuable, and there are fewer people willing to serve.

This would also allow one or a few disgruntled owners to be able to make changes that are not supported by the community as a whole. Instead of organizing unit owners to elect board members, this would give them an easy way to force people out and claim the unoccupied seats, so that a minority of owners can overrule a majority.

Having this kind of turnover could also place more power in the hands of the property manager, since condominium law and condominium operations are not things that most people know, and they will be more

reliant on the property manager to tell them what to do when they get on the Board. It will at the same time make it more difficult for newcomers to determine if the property manager is doing an appropriate job.

I am unaware of any such legislation elsewhere in the United States, and do not see believe it is needed in Hawaii.

Scott I. Batterman, Esq.

President

Assoc. of Apt. Owners of *Nine-O-Nine Kapiolani*

From: John Marlowe <zifmar@gmail.com>
Sent: Thursday, February 05, 2015 3:17 PM
To: CPCtestimony
Cc: steveghi@gmail.com; William E. Denison
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Gentlemen: 2/5/15

We are opposed to any legislation FORCING term limits down the throats of PCAs and Condominium Associations.

We believe that each condominium should be allowed to make the choice of term limits for themselves. Removing competent people from Boards by State legislation is not an answer to disgruntled people that are unhappy with not being elected to the their association Board. It is up to them to convince the residents in their community that they should be elected and not seek State legislation to disqualify current elected Board members.

Each Board member is elected to a limited terms by the residents of their community. We have elections each year to populate our Board, either by re-electing people or bringing new people onto the Board.

We encourage residents who are interested in serving on our Board to attend Board Meetings so as to learn how their Board functions. Board meetings are “sunshine affairs”, to which residents are invited (encouraged to attend). Residents who attend Board meetings often provide meaningful input to help those serving make better decisions, also making themselves known as willing to serve which helps create a pool of qualified people to serve on future Boards.

I believe State mandated term limits on people serving on A.O.A.O. Boards would create a hardship on most small Boards (and buildings), also stifle innovation and progress as well as creating an artificial barrier to continuity. Might lead to those buildings getting into trouble by inexperience people making poor judgement calls and may even more shift liability to stay out of trouble onto managing agents.

I believe smaller associations (especially those in well run buildings) often find it difficult to attract new people to serve on their Boards because they have less problems. Hopefully that is truly a sign of fewer problems, less complaints. We find that on our Board, people who have served multiple terms tend to be those people who are able to contribute the most because they have the experience and corporate memory that allows them to make better decisions in behalf of the other residents they represent.

Hopefully this legislation does not pass. We need to provide incentives, such as appreciation and recognition, for people to volunteer for these often thankless jobs. Continue to encourage this kind of community service, not discourage.

Respectfully request you accept this testimony against this proposed legislation.

With best wishes,

John W. Marlowe, President
Punahou Cliffs A.O.A.O.

1525 Wilder Ave
Honolulu, HI 96822

From: Pete Campbell <peteandcorky@hawaiiantel.net>
Sent: Friday, February 06, 2015 7:39 AM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED

Dear Sirs,

I am president of the Board of Directors of the C. S. Apartments, Ltd., commonly referred to as the Coral Strand Apartments. We are a Co-op and have 42 units of varying sizes. Should this Act pass, our Building Corporation would be in serious trouble. Our By-laws call for a maximum of 5 Board Members serving for a one year term. I have been reelected every year and have served on the Board for 8 years and as President for almost 3 years. Over the last 5 years our Board has numbered between 3 and 4 persons and we have been unable to encourage shareholders to serve. If we were limited to a two-year term we would not have enough Board Members to form a quorum and keep the corporation running.

It makes no sense whatsoever to pass this legislation.

Sincerely,

Peter F. Campbell
2979 Kalakaua Ave #302
Honolulu, HI 96815
(808) 923-1212

woodson2-Rachel

From: soonj001 <soonj001@hawaii.rr.com>
Sent: Friday, February 06, 2015 10:24 AM
To: CPCtestimony
Cc: Steve Glanstein
Subject: HB660 Testimony OPPOSED

Once again a few people are trying to get the state government to dictate changes to condominium documents that have been in place and are working. It is very hard to find owners who are interested in and capable of serving on a homeowners governing board. I am OPPOSED to term limits for planned community governing bodies.

Francis H. Soon, President
One Kalakaua Senior Living Association

From: Ann Shaver <alshaver@mac.com>
Sent: Friday, February 06, 2015 10:17 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED

Tuesday, February 9, 2015

HB 670 RELATING TO COMMON INTEREST COMMUNITIES

TESTIMONY

Ann Sack Shaver, President, AOA Marine Surf-Waikiki and AOA Royal Kuhio

Committee Members:

I urge you not to pass this bill. Common-interest communities have governing bylaws and these documents determine whether terms of directors may be limited. If a situation arises in which the Association finds it necessary to limit service on its Board of Directors, Association members may amend the bylaws if they are silent on the issue. Thus, this bill is not needed.

Moreover, this bill may actually be harmful. In my experience with several condominium associations, it is often difficult to find competent owners willing to serve on the board. Limiting service to two consecutive terms might bring about a situation where an effective two-term board member is replaced by an inexperienced, naive neophyte. A statute reducing the pool of qualified candidates *a priori* would not be in the best interest of any particular Association.

This is a matter which individual common-interest communities can resolve without legislative action.

Thank you for the opportunity to submit testimony.

From: bobndennis <bobndennis@aol.com>
Sent: Friday, February 06, 2015 12:57 PM
To: CPCtestimony
Subject: HB 670

I am writing to oppose HB 670. I am the President of my residential building's association, and have served for several years. HB 670 takes the authority away from the residents of a condominium or co-op to determine their own governmental policy regarding the leadership of their community. This bill strikes at the heart of the basic democratic principal of local control. Please put a stop to this misguided law.

Everyone who lives in a "community" that is organized with by- laws, house rules, and other documents, knows very well how difficult it can be to obtain residents willing and able to serve in leadership roles for the benefit of the community. HB 670 would further burden our community associations by having them forced to adhere to term limits , and thus limiting consistent and experienced leadership. Our buildings, and our associations would suffer greatly under this proposed law. Please defeat Bill 670 and let our individual organizations decide for themselves how they should be governed!

Robert F. Gentry, President
The Tahitiene, Inc
2999 Kalakaua Ave
Honolulu, Hi. 96815
808/923-4060

From: Tim Drury <timdrury_78@yahoo.com>
Sent: Thursday, February 05, 2015 7:57 PM
To: CPCtestimony
Cc: steveghi@gmail.com; Jadean DeCastro
Subject: Term Limits

Dear Sirs, I don't think that this would be any good for most condominium boards or apartment boards due to their sizes. In our case we hardly have enough to make quorum, so we don't have the problem of people knocking down our doors to get on our board. I feel you need to amend this law to dismiss small boards such as ours.

Thank you,
Vice-President Vernon Drury
Palehua Nani Homeowners Association

woodson2-Rachel

From: Mark Ludwig <mr.mark.ludwig@gmail.com>
Sent: Friday, February 06, 2015 1:04 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

I am against the proposed additions.

Thank you,
Mark Ludwig
Punahou Terrace
Secretary / Treasurer

From: Debra Neuberger <kepolabooks@hotmail.com>
Sent: Friday, February 06, 2015 2:27 PM
To: CPCtestimony
Cc: steveghi@gmail.com; jadean@touchstoneproperties-hawaii.com
Subject: H.B. no.670

Do NOT vote yest for this. A member of a board of directors should be allowed more than two consecutive full terms with no limit enacted to serve their community. It is extremely hard to get people to serve on a board of directors and when they are in that capacity they have knowledge and experience and interest enough to want to stay and do more good work. Limiting how often they can serve consecutively or not, and with term limits is not good for the community.

Debra Gannon Neuberger
Foster Heights Villas Townhomes
Secretary/Treasurer

From: earlandregina.pfeiffer@hawaiiantel.net
Sent: Friday, February 06, 2015 9:41 AM
To: CPCtestimony
Cc: steveghi@gmail.com; Gordon H
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Dear Legislators,

I am opposed to HB 670 currently under consideration.

This proposed bill will adversely affect particularly small condo associations. Often, few condo owners are willing to or interested in serving on the Board of Directors. In my experience of the past 10 years, we have had difficulty even having the complete number of persons to fill the positions of the board. Frequently, one of those elected will come to one or two meetings, then never show up again. This means that even finding persons willing to serve and participating in that service is difficult. Limiting the terms means that those who are willing to serve and who have a sense of the history of the condo will be required to step down.

While limiting terms can lead to fresh ideas, it also means having enough persons within the association who are willing to take responsibility. That just doesn't happen. I believe it should be up to the association to monitor its own board and take the steps needed within its documents to limit terms on its own. Larger associations may be able to do that, whereas smaller associations with units less than 50 may need to continue as is. Therefore, it may not be in the best interest of all condo associations to limit the consecutive number of terms that a board member can serve.

Very Respectfully,

Regina Pfeiffer, Board member of Punahou Terrace AOUO

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 9:14 PM
To: CPCtestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Honolulu Tower AOA Condominium	Oppose	No

Comments: Honolulu Tower is a 396 unit fee simple condominium. The Board of Directors of the Honolulu Tower Association of Apartment Owners voted unanimously to voice its opposition to this bill at its meeting on February 2. We regularly have turnover on our nine member board, and we regularly have difficulty finding volunteers to serve on the board. At our annual meeting later this month, three board members may be voluntarily stepping down and will be replaced by new persons. As of today, we do not believe there are three candidates to fill these positions. Our board is composed of long term and short term members. It is composed of long time owners and new owners. Each group offers a different perspective. As our building ages, we are faced with major renovations and repairs to keep it structurally sound. Discussions on these items take years, as does the repair work. We cannot afford to lose knowledgeable members who can guide us through the work, the reserve study, the budget, because people are told they can no longer serve. Term limits should be a decision left to the owners, either by voting members off or amending the governing documents, not by legislative action. Beyond being unnecessary, this bill would undermine our ability to manage our building effectively. We urge you to kill it now. for the Honolulu Tower Board of Directors Lynne Matusow, Secretary 60 N. Beretania, #1804 Honolulu, HI 96817 531-4260

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woodson2-Rachel

From: Wyman Au <wyman@hawaii.rr.com>
Sent: Thursday, February 05, 2015 5:18 PM
To: CPCtestimony
Cc: Steve Glanstein; Gordon Heinicke
Subject: HB 670 Testimony OPPOSED

Aloha,

It would be a travesty if this bill was passed. With very few people in our 44 unit AOA seeking to serve, it would hurt us greatly in even getting the minimum number of directors as required by our by-laws. Not only that, but some passed directors who lived here for many years are NOT seeking reelection, which further exacerbate the problem of finding viable new board members.

Please vote No! on HB670!

Thank you!
Wyman Au
Makiki Royal AOA

From: Rob jediny <rjediny@hotmail.com>
Sent: Thursday, February 05, 2015 3:49 PM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Hello, I oppose this new regulation to limit the term of service for condominium board members. Our condo association has run very smoothly over the years and is not in need of any input from the State Government. We have increased our cash reserves while improving the facilities at Royal Palms. Let us decide what is best for us and run our own association. Less government is better government.

Thank You

From: Marion Douglas <mdouglas1015@gmail.com>
Sent: Thursday, February 05, 2015 9:31 PM
To: CPCtestimony
Subject: HB 670

We have had to reduce the number of Directors from 11 to 7 and most of the time we are still short. Now you want to omit/restrict the few folks who are willing to serve? Unbelievable.

I strongly OPPOSE HB 670 testimony.

Marion Douglas
Poinciana Manor

woodson2-Rachel

From: Tom Holland <tomh@commercialroofinginc.com>
Sent: Friday, February 06, 2015 6:11 AM
To: CPCtestimony
Subject: HB 670 testimony OPPOSED hearing 2/9/2015 at 2:30pm

As a home owner/ member at Makakilo Cliffs AOA I am OPPOSED to adopting this new law.

Thomas Holland
Director of Operations

94-260 Pupuole Street, Waipahu, HI 96797
Main: 808.841.7246 Fax: 808.697.2999
Dir: 808.748.8410 Cell: 808.690.4185
Email: tomh@commercialroofinginc.com
Web: commercialroofinginc.com | [Blog](#)



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From: Haldia@aol.com
Sent: Friday, February 06, 2015 9:52 AM
To: CPCtestimony
Subject: Testimony opposing HB670

2-6-2015

I am writing to oppose the above legislation. I have been involved with condominiums since 1976. I have been an owner, a manager and a board member. During all those years, I have taken the time to educate myself through seminars, courses and becoming knowledgeable with the association's documents. I take my non paying job seriously.

However, I am not the normal board member, I am sad to say. There are those who run and get elected because they want what they think is status, they have their own personal agenda, they are simply nosy and want an inside track. None of these people belong on a board that is responsible for making decisions for other people. Many owners of condominiums have made their largest financial investment in their unit. Condominium boards have a fiduciary to these people. They manage hundreds of thousands and at times, millions of dollars.

A board member's job is basically thankless. If you are sincere, you do it for your investment and also for others. You approach your position without bias and with as much knowledge as possible.

To limit board member terms to 2 is wrong. In a perfect world, it could work. Our world is not perfect. Owners do not attend Annual Meetings, they submit proxies. They are not involved or concerned unless something dire is concerned. They are apathetic. More often than not, no owners in our building come forward to run for a position.

Believe me, if you have the makings of a good board member, it takes you at least 2-3 years to figure out exactly what is going on with your association.

Please do not consider this legislation. IT IS WRONG.

I can be contacted at the above e-mail address or by phone at 808-926-0269.

Thank you for taking the time to read this e-mail.

Diane Tippet
Seaside Towers Condominium
435 Seaside Avenue
#1204
Honolulu, Hawaii 96815-2614

From: Kathy Lau <kathy.lau@gmail.com>
Sent: Friday, February 06, 2015 2:27 PM
To: CPCtestimony; JUDtestimony
Subject: In Support of HB 670

I support HB 670.

My condo board which does everything in executive session, and has voted in executive session that all committee meetings are to be kept secret, has members who have been on the board for over 15 years. They do not monitor the manager or the management company or the finances, no annual reconciliation of the capital improvement budget! If the manger tells them to do something, they do it. I asked them who signs the checks, the did not know. I am sure they are not doing any spot check of condo assets and they need to get off the board.

Hope this passes.

Thank You

Kathy Lau Royal Iolani Owner 2907

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 11:57 AM
To: CPCtestimony
Cc: al@denysandassociates.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/4/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Al Denys	Individual	Oppose	No

Comments: I am opposed to HB670 as it will detract from the HOA's ability to conduct business in a timely and professional manner due to unrealistic limitations place on board memebbers by term limits.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 3:45 PM
To: CPCtestimony
Cc: mrckima@gmail.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/4/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marcia Kimura	Individual	Support	No

Comments: I am in favor of this bill, due to its provision regarding the limitation of term limits for condo Board members, some of whom have, through proxy distribution abuse, extended their terms for decades! This is an outrageous abuse of the elective process.

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From: Steve Glanstein <steveghi@gmail.com>
Sent: Thursday, February 05, 2015 9:58 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

I am opposed to HB670.

Planned Community Association boards and Condominium Association boards can already have term limits through their bylaw process.

Many associations have had problems getting board members.

I suggest we avoid micromanaging Planned Community Associations and Condominiums Association boards. We already have numerous controls to require access to the mailing list, mailing candidate resumes to all owners, and proxy solicitations. We should not at tempt to accomplish legislatively what several individuals could not do through the election process.

I ask that you hold the bill.

Steve Glanstein
Steveghi@gmail.com
Phone: 808-423-6766

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From: rglanstein@gmail.com
Sent: Thursday, February 05, 2015 12:41 PM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Aloha,

This testimony is sent in strong opposition to House Bill 670 regarding requiring term limits (no more than two consecutive terms) for all condominium board members.

Each condominium association can already decide for itself to limit the number of consecutive terms of their own board members through amendments to their governing documents. Some associations have chosen to do this already, and some are considering adding similar language. However, those associations appear to be in the minority.

In my own condo board, it's a miracle if we can even get enough candidates each year to run for the board. I can recall only 1 election in the past 8 years where we had more candidates than seats. Most condominium associations don't have owners rushing to get on the board - generally the opposite is true.

It's apparently a very vocal minority that is requesting the term limits, and to apply those limits to everyone seems ridiculous. That minority apparently can't even convince 67% of their own association(s) to amend their governing documents to provide for term limits. If the vocal minority can't convince their own association, I don't see why you should be convinced either.

If owners choose to reelect certain individuals repeatedly, that should continue to be their decision, not the decision of the legislature.

Disclosure - I am both a condominium board member and a parliamentarian that often serves condominium associations in a professional capacity.

Mahalo,

--

Rachel M. Glanstein, PRP

From: Linda Morabito <LindaM@hmcmtg.com>
Sent: Thursday, February 05, 2015 11:00 AM
To: CPCtestimony
Subject: Proposals to require term limits.

Aloha: As a community association manager for 18 years in Hawaii I believe that term limits in most every association would negatively affect the ability of a community to be successfully managed. All too often there are not enough people interested in serving on a Board of Directors for their community. If the Legislature feels there is a need for such a restriction a caveat allowing members to serve repeat terms if "no one is available" to serve could be added, though I wonder if such restriction does not adversely affect the Member's right to elect who they want to serve them as opposed to only having a non-viable candidate to choose from. As it stands the current law allows for the democratic process to proceed as it is intended to and any change to me seems unnecessary. Thank you for your consideration.

Sincerely,
Linda Morabito | Senior Management Executive

From: Shraga Dachner <sdachner@telus.net>
Sent: Thursday, February 05, 2015 12:09 PM
To: CPCtestimony
Cc: Steve Glanstein
Subject: SECTION 1. Section 421J-3, Hawaii Revised Statutes,

Dear Sir/Madam,

I object to the proposed changes for the following reasons:

1. In my opinion this is an attempt to circumvent the democratic election process and interferes with constitutional rights.
2. It will destroy continuity and stability of Boards by forcing changed members all the time.
3. It will eliminate the retention of institutional knowledge and experience and may lead to increased cost as a result.
4. Will facilitate the taking over of Boards by people with self interests that may not be in the best interest of Association by forcing elections of new candidates (themselves) every 2 years due to the chronic shortage of candidates willing to take the Associations business for the right reason being the Association's best interest.

I have substantial experience in serving on Boards and speak here from personal experience.

Sincerely,

Shraga Dachner

woodson2-Rachel

From: Phil Olsen <philolsen@hawaii.rr.com>
Sent: Thursday, February 05, 2015 11:43 AM
To: CPCtestimony; Derrick Tokumoto
Cc: Steve Glanstein
Subject: Condo Board Term Limits

Term Limits for Condo Board Member would be like voting in favor of cock-fighting. It is a bad idea.
Gail M. Hudson and
Phillip B. Olsen
999 Wilder Ave. HNL

Sent from my iPhone

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 1:03 PM
To: CPCtestimony
Cc: akluvo@gmail.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM
Attachments: HB 670 Testimony.pdf

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Arthur Kluvo	Individual	Oppose	No

Comments: Testimony opposing HB 670 As a retired electrical engineer I have the time and willingness to provide community service. I consider it a civic duty to give back to society what has been so freely given to me. Presently I serve on three community association boards as president of AOA Cathedral Point (222 units), treasurer of Royal Kunia Community Association (1,927 units) and treasurer of Valley Recreation Center (698 units). I've been a board volunteer at Cathedral Point for over 21 years. In addition I assist the Community Association Institute, Hawaii Chapter as their photographer. Past volunteer positions included serving on the Mililani Neighborhood board for six years (1994 - 2000) and a short term on the Waipahu Neighborhood board in 2012. From my past experience it has been very difficult to find intelligent and levelheaded persons to do volunteer work. Those persons are generally too busy with their lives and business. Some who do volunteer are those that have hidden agendas or some selfish motive for wanting to serve. Those types of volunteers often hinder association business. They make decisions that follow their self interests and do not do their fiduciary duty of doing what is best for the whole association. I've seen this time and time again over the years. Also, those types of board members don't wish to further their knowledge by attending workshops and seminars. There are other volunteers that would like to be board members that just want the "status" of saying they are a board member, but are not willing to do any of the work involved and often have poor attendance records at meetings. Still other volunteers are sometimes not business minded individuals and show poor judgment in decision making. Once someone does become a board member the current laws make it extremely difficult and costly to remove an unqualified person until their term is over. By then, time critical decisions are often delayed. What I've learned is there are a certain breed of person that gives willingly to serve on an association board that is intelligent and has good business sense. It takes two or more years to learn how associations operate and to learn about governing laws and documents. Once this type of person gains this type of experience, it would be a travesty to remove them from office because some other person(s) with undesirable ambitions wants to serve on the board. Therefore I'm against the proposed bill HB670 to impose term limits on board members. Board openings do happen often enough to permit those wanting to serve to eventually serve. I was a committee member for over four years before I was first voted onto the board in 1994. That committee experience let me acquire knowledge of how a board operates and to become acquainted with the legal aspects about running a community association. Those persons wanting to serve the board can do so at a lesser capacity if they have a genuine interest in wanting to serve their association. It doesn't have to be as a board member. If the person

that volunteers has any worth, a board would then willingly want them to transition onto the board when an opening does arise. Please remember, these community associations are often multi-million dollar corporations being run by unpaid volunteers. It is hard enough running a successful corporation that pays their workers. So it is extremely important that you keep qualified volunteers on those boards. For further feedback, I may be contacted at akluvo@gmail.com. Thank you. Respectfully,
Arthur A. Kluvo

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woodson2-Rachel

From: Pat <pat96814@hawaii.rr.com>
Sent: Thursday, February 05, 2015 2:46 PM
To: CPCtestimony
Cc: Steve Glanstein
Subject: HB 670 Testimony OPPOSED; hearing date: 2/9/2015 2:30 pm

I understand there are a few individuals who are attempting to force term limits to boards of condominium associations.

Having served on my condo board, I know from experience how difficult it is to find qualified people to serve on these boards. Most have no time. The ones who do generally have a personal agenda (i. e. Flooring changes in violation of house rules) they want taken care of. Some want the notoriety of being a "board" member. Some have nothing else to do.

My belief is if the sitting board is doing a good job and there is nothing a new person can add that enhances the governance and value to a property, why force a change that in the past has done a lot to hurt the association? Why fix what isn't broken?

Thank you.
Patricia Kawakami

Sent from my iPhone

From: Norman Gentry <NormanG@gentryhawaii.com>
Sent: Thursday, February 05, 2015 5:36 PM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

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From: cha henr <talloldtimer@yahoo.com>
Sent: Thursday, February 05, 2015 5:21 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Dear Legislators:

I am writing to inform you that I strongly oppose the idea of limiting condominium board members to two consecutive terms. As an investor, I have owned ten condominiums in Honolulu for many years. I learned long ago that it is greatly to the benefit of a condominium association to have board members who are willing to serve on the board for as long as they are owners.

Long-term board members understand the importance of enforcing House Rules. They make it a point of getting rid of prostitutes, drug addicts, and drug peddlers. They also make it a point of making certain that the association buildings are kept in good condition. They are willing to serve under difficult conditions, although they receive no pay or remuneration whatsoever.

I have also learned that people who want to serve for only one or two terms usually have some specific, self-serving reason for wanting to serve on the Board.

Thank you for your attention to this matter.

Carroll Henry

From: Cmc2548@aol.com
Sent: Thursday, February 05, 2015 5:04 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

To Our Legislators:

Dear Sir or Madam:

I am strongly opposed to the proposed legislation that would limit board members to 2 consecutive years.

I have owned my condominium for many years, and I have learned that the only people who oppose allowing board members to serve indefinite terms are those who have their own ax to grind. For example, if an owner is repeatedly cited for violations such as playing loud music late at night or other house rules violations, they immediately want the serving board members removed and their own board elected or appointed.

Thank you for this opportunity to express my views.

Carmela Constantino

From: Mark Gentry <MarkG@GENTRYHAWAII.COM>
Sent: Thursday, February 05, 2015 2:45 PM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Aloha,

I am opposition to HB 670.

Having served as a board member at more than one association over the years, I know how difficult it is to find and keep board members who are willing to spend the time it takes to be an effective board member and who genuinely care for the community. I have all too often seen homeowners with very specific personal agendas run for board positions, only to see them harass the other board members over their pet project and subsequently resign less than a year later when they discover what is involved and how the decision making process works.

My fear is that this legislation will enable more of this kind of activity while simultaneously causing the forced loss of experienced board members, a precious commodity. This loss is particularly profound in associations with complicated infrastructure like high rises in which it can take years for a board member to gain a good understanding of how a building operates and should be managed.

Thanks you for considering my testimony!

Mahalo

-Mark Gentry

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 8:54 PM
To: CPCtestimony
Cc: govierj001@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Govier	Individual	Oppose	No

Comments: I OPPOSE HB 670. I ask you to vote NO on HB 670. First, in my experience as a Professional Registered Parliamentarian, Retired, who worked with Condominium Associations and Planned Community Associations, there is NO reason to limit the RIGHTS of an association's voting member to serve on their board and to vote for the people they think should serve on their board regardless of the length of previous service of a person. Previous and ongoing service on the board may be a good reason to continue a person in a board position. When a board member is not doing a good job, there are currently mechanisms available to be used to replace the person, including, but not limited to, not voting for them again. Many associations have only a few owners available to serve on their board and any limits would greatly handicap the association. Further, those associations that have good, effective board members, which is most, who are willing to do continued service should not be penalized by arbitrary legislated restrictions. And, LOW turnover in board members provides STABILITY for the association. So, the right of the owner to serve on the board and to vote for those who serve on the board should not be limited by restricting term limits. Associations DO NOT need this kind of interference and individual owners SHOULD NOT HAVE THEIR RIGHTS RESTRICTED.

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From: J. Taylor <joanipt@hawaii.rr.com>
Sent: Thursday, February 05, 2015 9:23 PM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

Committee on Consumer Protection & Commerce
Hearing 2/9/2015, 2:30 PM
Re: Testimony Opposed HB 670

Dear Chair McKelvey, Vice Chair Woodson, and Committee Members

I strongly oppose this bill.

I volunteered and served 29 years on the Board of Directors of my AOA, a thankless unpaid job. (Retired 4 years ago but still asked by owners to serve again.)

It takes years to understand the AOA governing documents , city, state, and federal laws relating to AOAs, the rights, limitations and obligations of Board members and Rules of Parliamentary Procedure. Adding to this, the knowledge of the history of the association and fiduciary duty makes a board member of long standing and invaluable asset to the association.

Term limits have been strongly opposed in the past.

This bill disenfranchises the owners that fill out their directed proxies that vote for an eligible incumbent that has served 2 terms when opposition is not presented until from the floor at the annual meeting (no opposition listed in the annual meeting mailing, so 2 term incumbent is eligible for another term per this bill).

This bill discriminates against the long standing volunteers in favor of an entity that failed to submit their resume in a timely manner for distribution with the annual meeting documents.

Please refer to SB 2223 year 2010 proposing Board term limits when there was 40 pages, 11 pages bill, 29 pages of testimony, only one in favor and the rest opposed?

I request that this bill be deferred.

Thank you for considering this testimony,
Joani Taylor

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 9:57 PM
To: CPCtestimony
Cc: lukeh001@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Harrison Luke	Individual	Oppose	No

Comments: I OPPOSE BH670.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 10:00 PM
To: CPCtestimony
Cc: vye@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Vicki Ebesu	Individual	Oppose	No

Comments: I OPPOSE HB670

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 10:20 PM
To: CPCtestimony
Cc: pjburniske@yahoo.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Penelope Burniske	Individual	Oppose	No

Comments: Not a good idea for owners!

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woodson2-Rachel

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 05, 2015 10:33 PM
To: CPCtestimony
Cc: lila.m@hawaiiantel.net
Subject: *Submitted testimony for HB670 on Feb 9, 2015 14:30PM*

HB670

Submitted on: 2/5/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lila Mower	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 7:27 AM
To: CPCtestimony
Cc: philip.grillo@yahoo.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/6/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Grillo	Individual	Support	No

Comments: We must force term limits to keep the board honest and transparent. We have had long running board members that seem to be running projects with backdoor funds.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 8:02 AM
To: CPCtestimony
Cc: khigaki@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/6/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Higaki	Individual	Support	No

Comments: PLEASE SUPPORT THIS BILL!

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woodson2-Rachel

From: David Taylor <taylordavid808@gmail.com>
Sent: Friday, February 06, 2015 8:06 AM
To: CPCtestimony; stevegghi@gmail.com
Subject: HB 670 Testimony Opposed

Let the owners elect the person that they want to represent them.

Aloha

David Taylor
Duly elected board member for 11 years

From: Tom Lawrence <tommysurfs@gmail.com>
Sent: Friday, February 06, 2015 9:41 AM
To: CPCtestimony
Subject: HB670

Please acknowledge my opposition to term limits for association board of directors. As a voluntary acceptance of responsibility, boards are often understaffed. Also boards are often made of laymen who have no experience with rules of order nor statutes. Under guidance from experienced directors and management there can be a wider range of perspectives and continuity.

Thank you for your attention.

Tom Lawrence 111
1015 Aoloa Pl. #228
Kailua, HI 96734
808 224-6122

From: George Willoughby <george.willoughby@gmail.com>
Sent: Friday, February 06, 2015 10:46 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

I oppose HB 670. The proposed additions to HRS Section 421J-3 to prohibit more than two consecutive full terms of service on Planned Community Associations and Condominium Association boards ignore the value of tenure and experience. Further, in most cases finding community and condominium association members who are willing to serve on the board is hard to do. The vast majority of association members are not at all interested in serving. The proposed changes would have a negative impact on most associations in Hawaii.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 9:43 AM
To: CPCtestimony
Cc: hgerner1@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/6/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hans Gerner	Individual	Comments Only	No

Comments: I am in support of term limits for condominium Board members. My preference is to limit to two terms, after that the same person cannot run again for at least another term. This will allow to infuse new ideas and new energy into the governing body of the condominiums. This change is long overdue.

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woodson2-Rachel

From: scpoh@msn.com
Sent: Friday, February 06, 2015 11:40 AM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED, Hearing Date 2/9/2015 2.30pm

Aloha,

I am AGAINST the proposed additions

Edward Poh

woodson2-Rachel

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 1:52 PM
To: CPCtestimony
Cc: yumiofarrell@yahoo.com
Subject: *Submitted testimony for HB670 on Feb 9, 2015 14:30PM*

HB670

Submitted on: 2/6/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
YUMIKO OFARRELL	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 2:13 PM
To: CPCtestimony
Cc: tedwalkey@gmail.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

HB670

Submitted on: 2/6/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Walkey	Individual	Oppose	No

Comments: I am opposed to term limits for association directors. It takes several years for an owner to learn how to apply the declaration and bylaws to community governance. Add in the difficulty of keeping abreast of changes to HRS 514 and you can see the steepness of the learning curve. I am sure freshmen legislators experience the same problems, and most already have training in the law. In my 20 years of experience in managing common interest communities, all the proponents of term limits have had their own agenda: fire the resident manager, change the house rules, replace the managing agent, or get a fine, late charge, or legal fee waived. If you desire to improve association management, it would help if new directors were required to read their governing documents and HRS 514 before the first board meeting. Thank you, Ted Walkey, PCAM

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

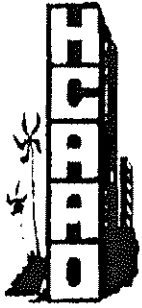
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From: Steven Gangwes <stevengangwes@yahoo.com>
Sent: Friday, February 06, 2015 2:25 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

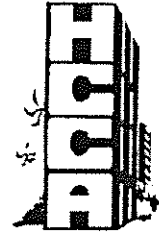
Aloha,

I was recently forwarded a notice that HB 670 proposes to limit HOA/AOAO Board of Directors to two consecutive terms. One, I don't believe that anyone would actually propose something this ridiculous, but I see that it's made it this far into public hearing. Let me be clear, I am opposed to such ridiculous proposal from our lawmakers. The government over-reach that this represents into the private affairs of citizens is simply ridiculous.

Thank you for your time and consideration,
Steven Gangwes
1519 Nuuanu Ave. #12,
Honolulu, HI 96817



LATE



**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations
1050 Bishop Street, #366, Honolulu, Hawaii 96813

February 6, 2015

Rep. Angus L.K. McKelvey, Chair
Rep. Justin Woodson, Vice-Chair
House Committee on Consumer Protection and Commerce


Re: HB670 RELATING TO COMMON INTEREST COMMUNITIES
Hearing: Mon., February 9, 2015, 2:30 p.m., Conf. Rm. #325

Chair McKelvey, Vice-Chair Woodson and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA).

HCAAO opposes this bill. Community and condominium associations regularly have turnover on their boards and regularly have difficulty finding volunteers to fill those positions. Most Boards are composed of long term and short term members and each group brings a different perspective to board deliberations. As our project buildings age, associations are faced with major renovations and repairs to keep them structurally sound. Discussions on how to proceed with these renovation projects and repairs and how to raise funds so as not to create a special assessment for unit owners take years, as does the work contemplated. Associations cannot afford to lose knowledgeable members who can guide the board through the work, the reserve study, the budget, because people are told they can no longer serve. Term limits should be a decision left to the unit owners of each association, either by voting members off or amending the governing documents, not by legislative action.

Thank you for the opportunity to testify on this matter.


Jane Sugimura
President



**HAWAII STATE ASSOCIATION OF PARLIAMENTARIANS
LEGISLATIVE COMMITTEE
P. O. Box 29213
HONOLULU, HAWAII 96820-1613
E-MAIL: HSAP.LC@GMAIL.COM**

February 7, 2015

Honorable Rep. Angus L. K. McKelvey, Chairman
House Consumer Protection and Commerce Committee
Conference Room 325
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Honorable Rep. Justin H. Woodson, Vice-Chairman
House Consumer Protection and Commerce Committee
Hawaii State Capitol, Room 304
415 South Beretania Street
Honolulu, HI 96813

**RE: Testimony in OPPOSITION TO HB670; Hearing Date: Monday, February 9, 2015
at 2:30PM in House conference room 325; sent via Internet**

Aloha Chair McKelvey, Vice-Chair Woodson, and Committee members,

Thank you for the opportunity to provide testimony on this bill.

The Hawaii State Association of Parliamentarians ("HSAP") has been providing professional parliamentary expertise to Hawaii since 1964.

I am the chair of the HSAP Legislative Committee. I'm also an experienced Professional Registered Parliamentarian who has worked with condominium and community associations every year since I began my practice in 1983 (over 1,400 meetings in over 30 years). I was also a member of the Blue Ribbon Recodification Advisory Committee that presented the recodification of Chapter 514B to the legislature in 2004.

This testimony is provided as part of HSAP's effort to assist the community based upon our collective experiences with the bylaws and meetings of numerous condominiums, cooperatives, and Planned Community Associations.

This testimony is presented in OPPOSITION of proposed changes to HRS Chapters 421J, 514A, and 514B.

HB670 will limit the terms of board members of all Planned Community Associations and about 1,733 condominium associations to two consecutive terms.

A. A similar proposal has already been rejected

A review of the testimony on a similar proposal in 2010¹ shows overwhelming opposition.²

The only support for the prior proposal came from specific homeowners who were involved in disputes with their condominium associations.

B. Condominium Associations and Planned Community Associations don't need legislation in order to establish their own term limits

§514B-108(b) already requires that association bylaws provide for, “(3) The qualifications, powers and duties, terms of office, and manner of electing and removing directors and officers and the filling of vacancies.”

§514B-108(d) states, “Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.”

Condominium associations may impose their own term limits **through their bylaws**.

Planned Community Associations have no provision in Chapter 414D (Non-profit Corporation Act) or Chapter 421J (Planned Community Associations) prohibiting an association from imposing term limits.

At least one Planned Community Association (Waikoloa Village Association) has term limits in their bylaws.

C. This proposal appears to be an attempt to create a legislative answer for one or more individuals to be able to get elected to a board.

The bill contains an exception to the term limit by stating in part, “provided that this paragraph shall not be construed to limit the service of a holdover member if no person seeks candidacy for the holdover member's position.”

This means that associations with a board that exceeded the term limit COULD BE FORCED TO ELECT ANY OWNER who wanted to run for the board, regardless of motive, qualification, etc.

In other cases, elections could be deadlocked if they have a majority of unit owners requirement for election (such as Honua Kai on Maui).

¹ http://www.capitol.hawaii.gov/session2010/Bills/SB2223_.HTM

² http://www.capitol.hawaii.gov/session2010/Testimony/SB2223_TESTIMONY_CPN_02-05-10.pdf

The bill diminishes the owners' rights to self determination and places one person's desire to be on the board more important than the rights of the owners to determine who shall serve them.

It's simply a bad idea.

Individuals should not be permitted to use the legislative process to circumvent an established process for election to their condominium association or Planned Community Association board.

All owners have the right to take advantage of the proxy solicitation rules that were wisely set down several years ago for both condominium associations and Planned Community Associations. When the notice of solicitation of proxies is posted, any owner may request association funds for proxies and have their statements sent to all owners for election consideration.

Hawaii has an unknown number of Planned Community Associations. Many of these associations have similarly sized boards. PCA sizes can vary from a couple of homes to thousands such as the case of Mililani Town Association.

Hawaii has about 1,733 condominium associations or about 161,373 homes.³

The legislature should not be pushed into overriding the rights of these associations and their owners without a compelling public interest.

The owners should decide the membership of their board, not our legislature.

I ask that you hold or defeat this bill.

I look forward to any discussions of this proposal. I may be contacted via phone: 423-6766 or by e-mail: HSAP.LC@Gmail.com. Thank you for the opportunity to present this testimony.

Sincerely,

Steve Glanstein, Chairman
Professional Registered Parliamentarian
HSAP Legislative Committee

³ Reference is to: <http://cca.hawaii.gov/reb/files/2013/08/AOUOContact1501.pdf> dated January 5, 2015.

LATE

To: Committee on Consumer Protection & Commerce, Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

Date: Monday, February 09, 2015

Re: **HB 670 Relating To Common Interest Communities.**

Chair McKelvey, Vice Chair Woodson, and members of the committees:

My name is T. J. Davies Jr. and I am writing in OPPOSITION of HB 670 Relating To Common Interest Communities.

I have been on Boards of Directors for Spring Woods Home Owners Association (HOA) in Virginia for five (5) years and 909 Kapiolani Association of Apartment Owners (AOAO) since October 2010.

This bill is unneeded and unnecessary. HOA & AOAO are sadly lacking in member Owner volunteers for Boards of Directors for their Annual Meetings and Elections. In many cases it is necessary for Directors to be drafted and appointed during the year pending the next year's elections.

Owners who are working full-time are reluctant to give up their free time for meetings and committees to maintain the physical and financial viability of their properties, similar to ordinary citizens reluctant to give up work time to exercise their civic responsibility to vote in municipal, state and federal elections.

The legislation does NOT meet a problem in the community and is counter-productive to the effective administration and management of HOA and AOAO:

- 1) owners should be able to choose their representatives;
- 2) incumbents can learn the ropes and have institutional knowledge; and
- 3) the bill reflects micromanagement that is inconsistent with self-governance.

Thank you for allowing me to testify in OPPOSITION of HB 670.

Sincerely,

T. J. DAVIES JR.
Director, 909 Kapiolani AOAO
Treasurer, Kokua Council for Senior Citizens Education Fund
Treasurer, AARP Chapter 60 Waikiki
HARA Legislative Committee
Kakaako (District 23 / Senate District 12)

LATE

February 5, 2015

To: Common Interest Committees

Fr: Gary W. Griffiths, President, AOA Plaza Landmark

Re: Testimony relating to HB 670

I'm writing in opposition to HB 670 as it relates to section (c) and (g). The Bill, as written, states that no person shall be elected as a member of a board of directors for more than two consecutive terms. Assuming that there are others interested seeking a position on the board of directors.

There are two basic flaws in HB 670. The first flaw assumes that there are a large number of individuals interested in serving on the board of directors. The assumption is totally wrong. There are very few owners that are willing to give of their time to serve on the board of directors. In fact, it's almost impossible to get a majority of owners to attend an annual meeting, let alone, a monthly board of directors meeting. I personally wish it was the case that more owners were interested serving as directors. If more owners were involved in the governance of their project, it would make it better for everyone. However, that's not the case and most projects are forced to depend on proxies to carry on the annual business of the project. Therefore, those that are willing to serve should not be limited to an arbitrary number of terms.

The second flaw, which is really an assumption, is that since currently individuals can serve multiple terms it prevents others from serving on the board of directors. Simply put, that does not stop other owners from getting involved in the governance of their project. Contrary to popular belief, any owner can be a board of director candidate. I feel HB 670 is a misguided attempt to limit those that are willing to serve their fellow owners.

If the majority of owners were involved in the process, HB 670 would not have been introduced. This issue has more to do with noninvolvement than the number terms serve. House Bill 670 is a misguided effort to address the problem of non-participation by limiting and/or stopping those that are willing to serve and it makes no sense.

Therefore, I'm requesting that HB 670 not to be passed out of Committee.

Thank you for your consideration in this matter.

From: Bob Raben <duffyboats@hawaii.rr.com>
Sent: Saturday, February 07, 2015 8:32 PM
To: CPCtestimony
Cc: Steve Glanstein
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

LATE

To Whoever is sponsoring this piece of legislation: HB670

I understand that some legislators, who are not subject to term limits themselves, are considering language which could effectively cripple well run boards of directors on Home Owners Associations in the State of Hawaii.

It is my guess that the legislators involved are not members nor do they participate on HOA affairs personally. If they were, they would understand how difficult it can be to have educated, well meaning, and dedicated people devote their time and resources to the betterment of their neighbored.

People who have served on boards generally have the experience to know what is feasible and financially possible for boards to contemplate so that time is not wasted in learning things all over again, often at great financial cost.

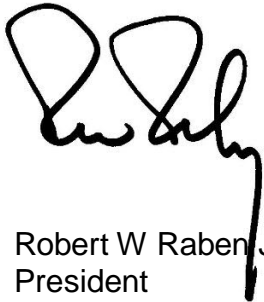
"Corporate Memory" is an incalculable asset and to preclude that from the HOAs by legislation that would appear to serve a few unsatisfied people who have been unable to convince their fellow homeowners of their acceptability for board positions is unconscionable.

"(c) No person shall be elected as a member of a board of directors for more than two consecutive full terms; provided that this subsection shall not be construed to limit the service of a holdover member if no person seeks candidacy for the holdover member's position."

"(g) No person shall be elected as a member of a board of an association for more than two consecutive full terms; provided that this subsection shall not be construed to limit the service of a holdover member if no person seeks candidacy for the holdover member's position."

There are over 1.250 Condominium Associations in Hawaii and the population of those condominiums will be put in jeopardy if their boards are decimated by un-thorough legislation.

This is a bad idea, and if it gets any traction at all, there will be a great effort by the various associations to publicize the names of legislators responsible which will definitely be to their disadvantage.



Robert W Raben Jr
President
Moorings AOAO
Hawaii Kai

From: soonj001 <soonj001@hawaii.rr.com>
Sent: Friday, February 06, 2015 2:47 PM
To: CPCtestimony
Cc: Steve Glanstein
Subject: HB670 Testimony OPPOSED

LATE

Once again a few people are trying to get the state government to dictate changes to condominium documents that have been in place and are working. The boards of directors have enough difficulty finding interested AND capable candidates who will keep the interests of all the owners at the forefront, without having to contend with term limits. As a resident of a senior living community, I am OPPOSED to this bill.

Joan Worthen

From: Robert Lee <rkwleejr@aol.com>
Sent: Friday, February 06, 2015 3:34 PM
To: CPCtestimony
Cc: stevenghi@gmail.com; James Merrell
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 pm

LATE

HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 pm

Greetings:

I am a board member of the Hokulani In Kailua Association of Apartment Owners (Hokulani AOA). Along with other board members of Hokulani AOA and many hundreds of board members of other AOAs in Hawaii, I am a volunteer occupying an unpaid position on a board which requires dozens of hours of my time each month. Board members receive no benefits for their services, other than the satisfaction of completing their civic duties for their respective communities. I was elected by the owners of Hokulani (144 units) to represent their interest and have pledged to uphold my fiduciary responsibilities to this community. If so inclined I may be reelected upon the expiration of my term by the same owners. In effect I serve at the pleasure of 144 Hokulani owners.

I am opposed to the term limitation proposal - it is an example of regulatory overreach and is unnecessary. Although the proposal is well meaning, there are remedies already in place. AOAs may individually amend through a referendum of owners their own bylaws and implement term limitations if they so desire. Presently Hawaii AOA board members upon expiration of a term may stand for reelection after notice of vacancies are given to owners. The owners will convene and vote at an applicable annual meeting. The ownership majority will decide the outcome.

Term limitations (especially for Hokulani AOA) will impose a hardship on AOAs and their boards because there are not enough homeowners who are willing to serve. Institutional history will be compromised - forcing someone who is competent, trustworthy and effective off the board, even for a term or two, compromises continuity and potential loss of institutional memory. When arbitrary changes occur like switching board members or management companies (without cause) a board may lose touch with processes and earlier identified solutions denying them opportunities to being efficient going forward.

There are not enough interested owners willing to donate their time and participate as a member of a AOA board due to conflicting "life" priorities. Due to ongoing board member recruitment and meeting quorum difficulties Hokulani AOA was forced to amend its bylaws and reduced its number of directors from 9 to 7.

It is my belief that the majority of states do not have term limitations citing reasons which include the afore-discussed. Please consider my opposition to the proposal and do not make my fiduciary responsibilities more difficult than it should be.

Robert Lee
Director/Hokulani in Kailua AOA
355 Aoloa Street D103
Kailua, HI 96734

Sent from my iPad

From: taniagentry@yahoo.com
Sent: Friday, February 06, 2015 4:00 PM
To: CPCtestimony; steveghe@gmail.com
Subject: Board of Directors Terms

LATE

To Whom it May Concern,

Please note that I am personally against limited terms for Board of Directors Directors. Most Association Boards cannot function correctly and seem to get into trouble shortly after taking office. They do not seem to budget correctly and/or follow association rules regarding reserves and budgeting repairs, much less making sure that everything is running smoothly within the community. I have sat on many boards that weren't functionable, people arguing and screaming at each other, no money for projects needed to be fixed, etc. I currently sit on a Board and our board runs smoothly and efficiently during to the duration of efficient, proficient and dedicated members. Members who give their time and effort into making our community keep up presentation with happy neighbors.

Thank you for your time,
Sincerely,
Tania Gentry

From: Janet Boschee <janet.boschee@gmail.com>
Sent: Friday, February 06, 2015 7:23 PM
To: CPCtestimony
Cc: steveghi@gmail.com
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

LATE

Please be aware that many AOA's have a hard time filling their boards with owners interested in spending their spare time attending meetings with no apparent appreciation from their complex they are representing. I can't even imagine if there is a mandatory term limit set that many AOA's will be strapped to find interested owners to serve at all. Please do not pass this bill!!!!

I believe individual AOA boards can -- if they really want to -- pass their own rules setting term limits without ALL AOA's having to deal with this situation. Maybe the AOA's that are requesting these terms to be set should deal with setting the term rule within their own rules and regulations. Or they need to get their owners involved enough to overthrow the standing board without involving ALL AOA's. However, I believe they are requesting this term limit bill because they are themselves unable to get enough interested owners to overthrow their standing board.

If they get this bill approved it WILL cause hardship for most AOA's to fill their board every year!

Thank you for your consideration in this matter.

Janet Boschee
94-1359 Kulewa Loop, #16C
Waipahu, HI 96797

Sent from my iPad

woodson2-Rachel

From: affronherring@aol.com
Sent: Friday, February 06, 2015 7:50 PM
To: CPCtestimony; stevegghi@gmail.com
Subject: HB670 Testimony OPPOSED Hearing Date : 2/9/2015 2:30pm

LATE

To whom it may concern I opposed this bill.

From: Richard Dulcich <rdulcich@gmail.com>
Sent: Friday, February 06, 2015 8:35 PM
To: CPCtestimony
Subject: Testimony Opposed HB 670

LATE

Committee on Consumer Protection & Commerce Hearing 2/9/2015, 2:30PM

Dear Chair McKelvey, Vice Chair Woodson and Committee Members

I strongly oppose HB670.

I volunteered and served on the Board of Directors of two different AOA's in the state of Hawaii since 1992 to present. If you don't know, in many cases it is a thankless job. It is always unpaid and a time consuming job if you are a good director.

I am opposed to term limits because it is difficult to get a new board every two terms to get in the loop of the history of what the Board has been doing and what direction the Board is taking the AOA. Once you have a Board that is working together for the AOA let Board members keep working.

As difficult as it is to get volunteers, I would say anyone that wanted to volunteer for the Board would have a position either by election or when a Board member resigned or did not seek re-election.

Sometimes laws are detrimental to what they are trying to accomplish.

Thank you for considering my testimony,
Richard Dulcich

Sent from my iPad

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 10:29 PM
To: CPCtestimony
Cc: jzahn@hawaii.rr.com
Subject: Submitted testimony for HB670 on Feb 9, 2015 14:30PM

LATE

HB670

Submitted on: 2/6/2015

Testimony for CPC on Feb 9, 2015 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jackie Zahn	Individual	Support	No

Comments: I support this bill. The term limits will allow association boards to be infused with new blood. Presently the current boards utilize their large number of proxies to maintain their fiefdom (Feudal Estates).

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

woodson2-Rachel

From: mrjp.henry@hawaiiantel.net
Sent: Saturday, February 07, 2015 11:38 AM
To: CPCtestimony
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

LATE

I am OPPOSED to this bill. Are Owners Association boards more important than the Hawaii legislature? As legislators have an impact on everyone, not just one project, shouldn't legislators' terms be limited before anyone else's are?

Sincerely,

Pat Henry

From: Sam Shenkus <sam.shenkus@gmail.com>
Sent: Saturday, February 07, 2015 3:49 PM
To: CPCtestimony
Cc: 'Sam Shenkus'
Subject: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30pm

LATE

Committee on Consumer Protection & Commerce
Hearing 2/9/2015, 2:30pm
Re: Testimony Opposed HB 670

Dear Chair McKelvey, Vice Chair Woodson, and Committee Members

My name is Helene "Sam" Shenkus and I am very Opposed to this bill.

I have been an owner of a Marco Polo condo since 1986 and I have been a volunteer member of my Marco Polo AOA Board of Directors for 15 years.

Serving on the board takes a lot of time and dedication, but since my condo is a very important investment, I am glad to serve and have been re-elected to serve our owners. Board members are responsible for major decisions impacting insurance, maintenance, governing documents as well as many limitations and obligations that impact the city, state and federal laws relating to AOA's.

Boards must be balanced with individuals that take their responsibility seriously and understand the legal fiduciary duties to preserve and maintain the common elements. As a long standing volunteer board member, I understand that only owners can elect board members, and that we cannot discriminate against long standing volunteers in favor of an entity that failed to submit their resume in a timely manner for distribution with the annual meeting documents.

I work full time and serve on many community boards, yet I have always found the time to submit my resume in a timely manner.

I wish to restate that I am strongly opposed to this bill.

Thank you for your time and consideration with this testimony.

Helene "Sam" Shenkus
2333 Kapiolani Blvd. # 3103
Honolulu, HI 96826

Eric M. Matsumoto
Mililani, HI 96789

LATE

February 7, 2015

VIA WEB TRANSMITTAL

Committee on Consumer Protection and Commerce
House of Representatives, 28th Legislature, Regular Session of 2015

Re: Hearing on HB 670 (Oppose); February 9, 2015, 2:30PM, Conf Rm 325

Chair McKelvey, Vice-Chair Woodson and Committee Members:

Having served as a director for 33 years and serving as President for 21 years of a PCA with over 15,800 units, term limits would hurt the good order and proper functioning of PCAs as follows:

- Board members are unpaid volunteers, who because of their fiduciary duty are subject of law suits for policy decisions made on behalf of the association and its members.
- Given the fiduciary duty, there are numerous aspects tied to their decision making process that involve being knowledgeable of and understanding, in part, the Declaration, the Covenants and Restrictions, the By Laws, the House Rules, the Policies of the association affecting operations such as financials and financial system, covenant violations, grounds and facilities maintenance, etc., HRS 421J, HRS 414D, other applicable HRS chapters impacting PCA operations, best practices of the various operations adopted by PCAs across the country, in addition to the culture and values of the association.
- It takes a new director at least a year to begin to understand the functions for which the association is responsible. It takes two or three years to become knowledgeable of all the governing documents cited above in order to become an effective, contributing member of the board. To have put in all the time to learn the job, and it is a job, unpaid, to then be told you have only one more term to put your knowledge and experience to use, is in my opinion, counter-productive and effectively cheats the community of committed members willing to put in the time, commitment and desire to provide a better community experience for them than their families.
- PCA governance as established via the documents cited above, are adequate to provide members of an association the opportunity to elect those members who they want as their leaders. The legislative process should not be used to usurp the majority of members' interest and ability to elect whomever they choose when the interest of one disgruntled member of one association would have application to all PCAs across the state, only because members of the one association chose not to elect that individual.
- The bottom line is that PCAs need continuity of the policy decision makers who have the knowledge and experience that term limits would effectively prohibit and preclude, thus limiting the effectiveness of what the associations could provide its members.

Accordingly, it is requested this bill be held.

Sincerely yours,

Eric M. Matsumoto

From: Page Dwight <dwrightc001@hawaii.rr.com>
Sent: Saturday, February 07, 2015 4:57 PM
To: CPCtestimony
Cc: dwrightc001@hawaii.rr.com
Subject: HB670 Testimony OPPOSED. Hearing date 02/09/2015, 2:30 p.m.

LATE

Mrs. Page R. Dwight
1314 Kalakaua Ave. Apt. 706
Honolulu, Hawaii 96826
February 7, 2015

I am strongly opposed to limiting the terms of condominium board members. If a member of the board is fit, willing and able to serve and is doing a good job for the condo so that Members of the Association reelect him/her, there is no reason for that member not to continue on the board. Other qualified individuals have the opportunity to run for the board and may be elected. Most condominium associations do not have people standing in line to become board members. I have lived in condominiums since 1970. Members of a good board are worth keeping!

Thank you for considering my opposition to HB670.

Sincerely,

Page R. Dwight

From: sanbuenaventura2 on behalf of JUDtestimony
Sent: Monday, February 09, 2015 7:07 AM
To: CPCtestimony
Subject: FW: strongly in support of HB 670
Attachments: Julie's letter .pdf; ATT00001.htm

LATE

Received by Judiciary

From: Alice [mailto:alohaaliceclay@gmail.com]
Sent: Friday, February 06, 2015 11:47 AM
To: JUDtestimony
Subject: Fwd: strongly in support of HB 670

Aloha Judiciary Committee members,

My name is Alice Clay and I strongly support HB 670. For many years now, perhaps at least 14 years, we have had the same BOD directors, in particular the President, Frank Soon. I am attaching a letter from one of our past directors who served for only one term. As part of the minority group in our condominium, we were able to elect Julie to serve on the Board since we had cumulative voting then. Well, the BOD made sure that Julie served only one term and one member of the Board then, told Julie **"You are not going to serve again on this Board, We are going to make sure of that "** and in their manipulative ways was able to change our By-Law to percentage voting, thus preventing anyone in the minority group to serve on the BOD. WHAT HAPPENED TO THE SELF-GOVERNANCE THEORY OF THE CONDOMINIUM LAW??? WHAT HAPPEN TO OUR OWNER'S RIGHTS AND DEMOCRACY? IT HAS BECOME A DICTATORSHIP and HB 670 is a GODSEND to our condominium. **PLEASE PASS THIS BILL.**

Please read her letter and see the Amendment to the By-Laws of One Kalakaua Senior Living Association .

Mahalo,
Alice Clay

Juliette K. Taura
1314 Kalakaua Ave. Apt. #601
Honolulu, Hi. 96826

November 1, 2014

TO WHOM IT MAY CONCERN:

Attached please find an amendment to the By-Law of One Kalakaua Senior Living Association dated May 9, 2004.

This amendment clearly shows to what extent the Board of Directors and the in-house management would go to keep questioners and possible dissidents out of the management and administration of OKSL, which today is a fee simple condominium with assisted living services and skilled care services available for a fee.


Ten years ago it became impossible for a non-board-management approved person to serve on the board. The BOD controlled the votes to remove cumulative voting.

Attached also find a memo I received from the then treasurer of the board. This letter dated February 20, 2004 indicates that Certified Management Company did not provide full and complete accounting and financial oversight of the operations ... that in-house staff provides and report to the Finance Committee and BOD. One Kalakaua is a fee simple condominium. Who is supposed to oversee all financial matters? Are condominiums required to have an outside management company to have check and balance?

I moved into OKSL in October, 1997 and till today, Oct 1, 2014, I do not know exactly how much our hired staff is paid. It seems strange that my money and that of other owners and renters, do not allow us to know exactly how much we are paying our hired staff.

My siblings and I bought a unit in OKSL so that when and if we needed medical care, we would be able to obtain help from the SNF on the second floor. With cost escalating each year in our condominium maintenance fee at OKSL, we don't know how long we can hold on to our unit.

Yours truly,


Juliette K. Taura

006 601
JULIETTE & JANE TAURA
1314 KALAKAUA AVE, UNIT# 601
HONOLULU HI 96826

One Kalakaua

Memo

Date: 5/17/2004
To: One Kalakaua Senior Living
Resident Owners
From: Karen Moscatello, Administrator
Re: Bylaws Amendment

Please find enclosed a copy of One Kalakaua Senior Living Association's amended Bylaws relating to Article II, Section 3 which eliminates cumulative voting.



R-1032 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
FEB 25, 2004 12:00 PM
Doc No(s) 2004-038576

RECEIVED
MAR 29 2004



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

20 1/1 Z2

LAND COURT SYSTEM

181 REGULAR SYSTEM

Return by: Mail ☒ Pickup ☐ To:

VAN BUREN CAMPBELL & SHIMIZU
Suite 1950 Fort Street Tower
745 Fort Street
Honolulu, Hawaii 96813
Telephone: 599-3800

This document contains 3 pages

AMENDMENT TO THE BY-LAWS OF
ONE KALAKAUA SENIOR LIVING ASSOCIATION

WHEREAS, by Declaration of Condominium Property Regime of One Kalakaua Senior Living Association ("ASSOCIATION"), dated May 25, 1995, recorded at the Bureau of Conveyances of the State of Hawaii as Document No. 95-078929, the property described in said Declaration was submitted to the provisions of the Horizontal Property Act, Chapter 514A, Hawaii revised Statutes, as amended; and

WHEREAS, the By-Laws of One Kalakaua Senior Living Association, dated May 25, 1995 was recorded at the Bureau of Conveyances of the State of Hawaii as Document No. 95-078930; and

WHEREAS, Hawaii Revised Statutes §514A-82(b)(2) and the By-Laws, as amended, provide that the By-Laws may be amended by the affirmative vote or written consent of 65% of the apartment owners; and

WHEREAS, owners representing more than 65% of the total common interest and more than 65% of the apartment owners have given their written consent to amend the By-Laws as hereinafter set forth;

NOW, THEREFORE, the By-Laws are hereby amended as follows:

The first sentence of Article II, Section 3, of the By-Laws of One Kalakaua Senior Living Association is hereby amended in its entirety as follows:

Section 3. Election and Terms. Election of directors shall be by secret ballot at each annual meeting and any special meeting called for the purpose.

IN ALL OTHER RESPECTS, the By-Laws, as amended, are hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

AND the undersigned officers of the Association hereby certify that the foregoing By-Law amendment was approved by the required number of apartment owners.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this 24 day of Feb, 2004.

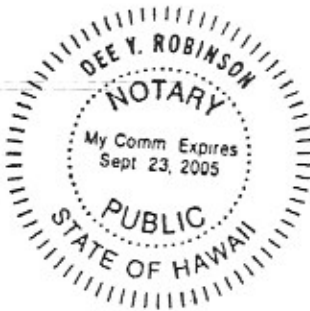
ONE KALAKAUA SENIOR LIVING ASSOCIATION

By: Frank Soon
Type Name: FRANK SOON
Its: President

By: Lois Norris
Type Name: LOIS NORRIS
Its: Secretary

STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

On this 24 day of February, 2004, before me appeared FRANK SOON, to me personally known, who being by me duly sworn, did say that he is the President of the Board of Directors of One Kalakaua Senior Living Association; that the foregoing instrument was signed on behalf of said Association by authority of its board of Directors; and acknowledged that he executed the same as the free act and deed of said Association. Said Association has no seal.



[Signature]

DEE Y. ROBINSON

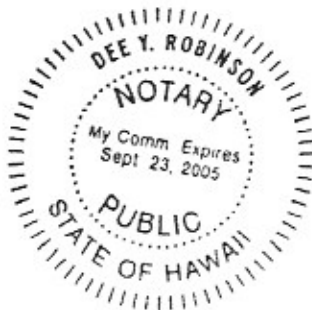
Type/Print Name

Notary Public, State of Hawaii

My commission expires: September 23, 2005

STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

On this 24 day of February, 2004, before me appeared LOIS NORRIS, to me personally known, who being by me duly sworn, did say that she is the Secretary of the Board of Directors of One Kalakaua Senior Living Association; that the foregoing instrument was signed on behalf of said Association by authority of its board of Directors; and acknowledged that she executed the same as the free act and deed of said Association. Said Association has no seal.



[Signature]

DEE Y. ROBINSON

Type/Print Name

Notary Public, State of Hawaii

My commission expires: September 23, 2005

LATE

woodson2-Rachel

From: Ellen Spence <spenceegn@aol.com>
Sent: Saturday, February 07, 2015 10:10 AM
To: CPCtestimony
Subject: Fwd: Advisory FORCING term limits down the throat of PCAs and Condominium Associations

Sent from my iPad

Begin forwarded message:

From: Steve Glanstein <steveghi@gmail.com>
Date: February 7, 2015 at 10:05:58 AM HST
To: "Ellen Spence" <spenceegn@aol.com>
Subject: RE: Advisory FORCING term limits down the throat of PCAs and Condominium Associations

Aloha Ms. Spence,

The e-mail needs to go to CPCTestimony@capitol.hawaii.gov, not the one below.
02/03/15

Thanks for helping Hawaii's condominium and Planned Community Associations!

Steve Glanstein
Steveghi@Gmail.com

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination and corruption of files and operating systems. The unauthorized access, use, disclosure, or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

From: Ellen Spence [<mailto:spenceegn@aol.com>]
Sent: Saturday, February 7, 2015 10:02 AM
To: CPCTestimony@capitol.hawaii.gov
Cc: steveghi@gmail.com
Subject: Fwd: Advisory FORCING term limits down the throat of PCAs and Condominium Associations

Sent from my iPad

Begin forwarded message:

From: Ellen Spence <spenceegn@aol.com>
Date: February 6, 2015 at 3:24:44 PM HST
To: James Merrell <Jim@TouchstoneProperties-Hawaii.com>
Cc: Marion Douglas <mdouglas1015@gmail.com>, "<phil24leep@yahoo.com>"
<phil24leep@yahoo.com>, "<dblak135@aol.com>" <dblak135@aol.com>, Rose Kauina
<rosekauina@gmail.com>, "<bsarchet@hawaii.rr.com>" <bsarchet@hawaii.rr.com>,
"<tommytsurfs@gmail.com>" <tommytsurfs@gmail.com>,"

"<poincianamanor1@yahoo.com>" <poincianamanor1@yahoo.com>

Subject: Re: Advisory FORCING term limits down the throat of PCAs and Condominium Associations

I oppose HB 670 as it is hard to get people to volunteer to be on the board as is, doing so every few terms would be a full time job.

Ellen
Sent from my iPad

On Feb 5, 2015, at 3:26 PM, James Merrell <Jim@TouchstoneProperties-Hawaii.com> wrote:

Directors

If you like, send testimony for or against (CPCtestimony@capitol.hawaii.gov ,
PLEASE send a copy to me at steveghi@gmail.com.

The subject should say: HB 670 Testimony OPPOSED; Hearing Date:
2/9/2015 2:30 p.m.)

As you can see from the parliamentary (scroll down) this is a very problematic piece of legislature for associations who do not have people to fill positions.

That happens from time to time, everywhere.

Jim

From: Keven Whalen
Sent: Thursday, February 05, 2015 11:30 AM
To: Jadean DeCastro; James Merrell; Anastasia Arao-Tagayuna; Gordon Heinicke
Subject: FW: Advisory FORCING term limits down the throat of PCAs and Condominium Associations
Importance: High

Keven Whalen (RA), CMCA®, AMS®, PCAM®
Touchstone Properties, Ltd., AAMC®
680 Iwilei Road, Suite 550
Honolulu, HI 96817
Phone: (808) 566-4100
Fax: (808) 566-4110
www.TouchstoneProperties-Hawaii.com

From: Steve Glanstein [<mailto:steveghi@gmail.com>]
Sent: Thursday, February 05, 2015 11:00 AM
To: 'Steve Glanstein'
Subject: Advisory FORCING term limits down the throat of PCAs and Condominium Associations
Importance: High

Aloha,

Unfortunately it appears that we have another go-around of legislation proposed "by request" from a couple of dissatisfied homeowners who I believe really want to get on their association board.

They are once again trying to force term limits down the throats of Planned Community Associations and Condominium Associations.

The proposed additions are to PROHIBIT more than two consecutive full terms of service

"(c) No person shall be elected as a member of a board of directors for more than two consecutive full terms; provided that this subsection shall not be construed to limit the service of a holdover member if no person seeks candidacy for the holdover member's position."

"(g) No person shall be elected as a member of a board of an association for more than two consecutive full terms; provided that this subsection shall not be construed to limit the service of a holdover member if no person seeks candidacy for the holdover member's position."

This ignores the reality that people are NOT breaking down doors to get on the board.

If you want to stop this, please send testimony PRIOR TO THE WEEK-END in opposition.

E-mail should be sent to: CPCtestimony@capitol.hawaii.gov , PLEASE send a copy to me at steveghi@gmail.com.

The subject should say: HB 670 Testimony OPPOSED; Hearing Date: 2/9/2015 2:30 p.m.

You need to let these guys know that you're opposed to this. Otherwise one or two upset owners will force this down our collective throats.

Any questions ... just send me an e-mail.

Mahalo,

Steve Glanstein
Steveghi@Gmail.com

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<HB670_.pdf>

LATE

**Re: H.B. 670: Testimony OPPOSED.
Hearing date 2/09/2015**

I believe passage of this Bill would be a great disservice to many condominiums. As an example, our large condominium (Marco Polo) with an annual budget of nearly \$4,000,000. requires board members with considerable knowledge of governing documents (condo. law, declaration and bylaws) and knowledge of the many components of the project – sometimes well over 100 common element items all demanding carefully timed maintenance. New board members are often dewy eyed with grand ideas of anticipated changes but with no real comprehension of either the responsibilities or limitations of the board OR the complexity of managing the project. Over time a conscientious board member can learn much of “what it takes”, but to arbitrarily cast aside capable members with experience of the history and needs of the project serves no useful purpose.

Unfortunately there is often too little competition for board positions by capable owners. A vocal few clamoring to be on the board often have a special agenda or think they can, somehow, “cuts costs” and “run things better”. When new members begin to learn that balancing staffing, budgets, planning reserves and researching major project solutions with good professional help – all within the rules – is complex and nobody is born knowing all this! It takes much time and even in much smaller condos, the same principle applies: be glad some conscientious owners are willing to spend time to become good board members and hope they continue. It’s a tough job to do well.

AND MOST IMPORTANT: If this bill becomes law, a few homeowners who never served on the board could force all the experienced board members out of office regardless of the wishes of the owners. The bill overrides the owners’ voting rights to decide who is most qualified and reduces the value of many dedicated board members.

**Respectfully submitted,
Ernestine Tabrah
2333 Kapiolani Blvd. Apt.3408
Honolulu, Hi 96836
fetabrah@gmail.com**